

AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheets" of drawings include changes to Figures 2 - 4 and 12. The attached "Replacement Sheets," which include Figures 1-14, replace the original sheets.

Attachment: Replacement Sheets

REMARKS

Claims 23-56 are now pending in the application. Claims 35-37, 48-50 and 54-56 are withdrawn from consideration. By this paper, Claim 23, Claim 51, the specification and drawings have been amended. Bases for the amendments can be found throughout the written description, drawings, and claims as originally filed and as such, no new matter has been presented. Applicant submits that the amendments to the claims are not narrowing amendments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

DRAWINGS

The drawings stand objected to for certain informalities. Applicant has attached revised drawings for the Examiner's approval. The following changes have been made in the "Replacement Sheets" per the Examiner's request:

Figure 2 has been amended to change reference numeral "38" to "43" and to associate reference numeral "89" with the abutment wall;

Figures 3 and 4 have been amended to delete reference numerals "62" and "64"; and

Figure 3 has been resized so that the number 5 in reference numeral "52" will not be cut off.

Concerning the failure of Figure 4 to show the first end cap, Applicant has amended to the specification by the paper to refer to Figure 4 as being a cross-sectional view of a

portion of the decoupler assembly of Figure 1. Accordingly, Applicant respectfully submits that the first end cap need not be shown in Figure 4.

Fig. 12 has been amended to include a bracket as the two components shown are exploded from each other and do not touch.

In view of the above remarks, Applicant respectfully submits that the objection to the drawings has been rendered moot.

AMENDMENTS TO THE SPECIFICATION

The Examiner has objected to the specification for an informality in the discussion of the operation of the decoupler assembly at pages 10 and 11 in which the "side 45" and the "side 47" of the slot (43) in the thrust plate (39) were inadvertently switched.

Applicant has filed herewith a substitute specification correcting the above-described informality, as well as correcting the description of each of the drawings. Applicant notes that material inserted to the specification is underlined and that material deleted from the specification has been either struck out or double bracketed in accordance with the provisions of 37 C.F.R. §1.125. Applicant respectfully submits that the amendments to the specification (i.e., the substitute specification) does not add new matter.

In view of the above remarks, Applicant respectfully submits that the objection to the specification has been rendered moot.

REJECTION UNDER 35 U.S.C. § 112

Written Description Rejection (First New Matter Rejection)

Claims 28-34, 41-47 and 51-53 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Examiner has stated merely that "[t]here is no support in the application as originally filed for the limitations of claims 28, 31, 32, 41, 44 and 45, as well as claim 51, lines 35-41, 43 & 44."

Concerning Claims 28 and 41, Applicant directs the Examiner to the last paragraph on page 9 (which extends to page 10) and the first paragraph on page 11 of the originally filed application.

Concerning Claims 31 and 44, Applicant directs the Examiner to the last paragraph on page 9 through the last paragraph on page 10 of the originally filed application.

Concerning Claims 32 and 45, Applicant directs the Examiner to the first paragraph on page 11 of the originally filed application.

Concerning Claim 51, Applicant directs the Examiner to the last paragraph on page 9 through the first paragraph on page 11 of the originally filed application.

The undersigned attorney notes that he has not reviewed the originally filed application in its entirety for bases for the limitations found in Claims 28, 31, 32, 41, 44, 45 and 51 and submits that there may be further bases in the specification, claims and drawings as originally filed for such limitations, particularly in view of the incorporation by reference of USPN 6,083,130. Accordingly, it will be understood that the above-

identified portions of the specification does not comprise a comprehensive and complete identification of the bases in the application for the aforementioned limitations.

Applicant submits that as the Examiner bears the burden of establishing a *prima facie* case of lack of written description, the Examiner must show that the application does not reasonably describe or convey the concepts to one of ordinary skill in the art at the time of the filing of the application that the Applicant had possession of the claimed invention.

Applicant submits that the Examiner has not carried his burden as the Examiner has merely stated that “[t]here is no support in the application as originally filed for the limitations of claims 28, 31, 32, 41, 44 and 45, as well as claim 51, lines 35-41, 43 & 44.” Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph are respectfully requested.

Second New Matter Rejection (Termed “Enablement Rejection” by Office)

The Examiner has rejected Claims 23-34, 38-47 and 51-53 under 35 U.S.C. § 112, first paragraph, stating that “there is no explanation in the specification of how travel by the anti-ramp feature 77 in the slot 43 would necessarily prevent movement of the second end 92 of the torsion spring 90 relative to the second hub end 26. The drawings do not show any structural feature that would preclude such movement.”

While the Examiner has characterized the rejection as a failure to comply with the enablement requirement, the Examiner’s rationale indicates that the Examiner is of the opinion that the aforementioned portion of Claims 23 and 51 presents new matter. In this regard, Applicant notes that the Examiner has asserted that the aforementioned

portion of Claims 23 and 51 (i.e., claims added to the application after the filing of the application) was not disclosed in the original application. See, e.g., MPEP §706.03(o).

Applicant has elected to amend Claims 32 and 51 to redact the aforementioned language from these claims. Applicant respectfully requests entry of the amendment to Claims 23 and 51 because a) the amendment places the rejected claims in better form for appeal and b) the amendment is necessary and was not earlier presented as Claims 23 and 51 had not been earlier examined. Applicant notes, too, that in situations where new matter is added, the Applicant is required to cancel such new matter from the application. Applicant reserves the right to contest the new matter rejection in a response to a subsequent (non-final) action and/or in a continuation application.

Summary

MPEP §2163.06 indicates that the Examiner is to examine the claims on the merits in situations where a new matter rejection has been entered. The Examiner has provided no art-based rationale for rejecting the claims of the present application. As the Examiner has not presented a *prima facie* case of lack of written description under 35 U.S.C. §112, first paragraph, and as the amendment to Claims 23 and 51 renders the written description/Office captioned “enablement” rejection under 35 U.S.C. § 112, first paragraph moot, Applicant submits that the pending claims are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: June 18, 2009

/ Michael D. Zalobsky /
By: _____
Michael D. Zalobsky
Reg. No. 45,512

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDZ

14627993.1